

RECEIVED  
SDNY PRISON OFFICE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

2016 JUL 20 AM 9:23

Eric Keaton

**16CV 5783**  
No. 1

Write the full name of each plaintiff.

(To be filled out by Clerk's Office)

-against-

**COMPLAINT**

(Prisoner)

N.Y.C. N.Y. P.D. COMM. William Bratton  
Special Narcotics Bridget G. Brennan  
Judge Michael R. Sonberg J.S.C.  
Special Narcotics ADA Erik J. Aho ET AL.

Do you want a jury trial?

☒ Yes ☐ No

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

**NOTICE**

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

**I. LEGAL BASIS FOR CLAIM**

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

☒ Violation of my federal constitutional rights

☐ Other: Constitutional Rights

**II. PLAINTIFF INFORMATION**

Each plaintiff must provide the following information. Attach additional pages if necessary.

<u>Eric</u>		<u>Keaton</u>
First Name	Middle Initial	Last Name

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

3601600027

Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

Current Place of Detention

G.R.V.C. 09-09 Hazen Street

Institutional Address

<u>East Elmhurst</u>	<u>N.Y.</u>	<u>11370</u>
County, City	State	Zip Code

**III. PRISONER STATUS**

Indicate below whether you are a prisoner or other confined person:

☐ Pretrial detainee

☒ Civilly committed detainee

☐ Immigration detainee

☐ Convicted and sentenced prisoner

☐ Other: \_\_\_\_\_

## IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1:

Michael Sonberg  
 First Name Last Name Shield #  
Judge  
 Current Job Title (or other identifying information)

Current Work Address

111 Centre St, Court Part 21  
 County, City State Zip Code

Defendant 2:

New York N.Y.  
 First Name Last Name Shield #

Bridget Brennan  
 Current Job Title (or other identifying information)

Special Narcotics A.D.A.  
 Current Work Address

80 Centre St, Sixth Floor New York N.Y. 10013  
 County, City State Zip Code

Defendant 3:

Cyrus Vance JR  
 First Name Last Name Shield #

District Attorney New York County  
 Current Job Title (or other identifying information)

One Hogan Place  
 Current Work Address

New York N.Y. 10013  
 County, City State Zip Code

Defendant 4:

Daniel F. Lynch  
 First Name Last Name Shield #

Attorney at Law  
 Current Job Title (or other identifying information)

20 Vesey Street Suite 410  
 Current Work Address

New York, N.Y. 10007  
 County, City State Zip Code

## IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1:

William Bratton  
 First Name Last Name Shield #  
N.Y.C. N.Y.P.D. Comm.  
 Current Job Title (or other identifying information)  
Police Headquarters  
 Current Work Address  
One Police Plaza  
 County, City State Zip Code

Defendant 2:

New York N.Y. 10007  
 First Name Last Name Shield #  
Ricardo Mantilla 00523  
 Current Job Title (or other identifying information)  
Special Narcotics  
 Current Work Address  
Midtown South 357 West 35th Street New York N.Y.  
 County, City State Zip Code 10018

Defendant 3:

Erik J. Aho  
 First Name Last Name Shield #  
Assistant District Attorney Special Narcotics  
 Current Job Title (or other identifying information)  
80 Centre Street Sixth Floor  
 Current Work Address  
New York, N.Y. 10013  
 County, City State Zip Code

Defendant 4:

J. Jonathan Cedeno 8902  
 First Name Last Name Shield #  
Special Narcotics  
 Current Job Title (or other identifying information)  
Midtown South 357 West 35th Street  
 Current Work Address  
New York N.Y. 10018  
 County, City State Zip Code

## IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1:

Joseph Ponte  
 First Name Last Name Shield #  
 N.Y.C.D.O.C. COMM  
 Current Job Title (or other identifying information)  
 75-20 Astoria BLVD  
 Current Work Address  
 East Elm Hurst N.Y. 11370  
 County, City State Zip Code

Defendant 2:

Monica Windley  
 First Name Last Name Shield #  
 G.R.V.C. Warden  
 Current Job Title (or other identifying information)  
 0909 Hazen St.  
 Current Work Address  
 East Elm Hurst N.Y. 11370  
 County, City State Zip Code

Defendant 3:

Deputy Warden Hill  
 First Name Last Name Shield #  
 Deputy Warden Security Hill G.R.V.C.  
 Current Job Title (or other identifying information)  
 0909 Hazen St.  
 Current Work Address  
 East Elm Hurst N.Y. 11370  
 County, City State Zip Code

Defendant 4:

\_\_\_\_\_  
 First Name Last Name Shield #  
 \_\_\_\_\_  
 Current Job Title (or other identifying information)  
 \_\_\_\_\_  
 Current Work Address  
 \_\_\_\_\_  
 County, City State Zip Code



## V. STATEMENT OF CLAIM

Place(s) of occurrence: At the north west corner of 8th Ave west 41st in the city of New York

Date(s) of occurrence: January 12, 2016

### FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

While Plaintiff Casually Stand on the Corner of West 42 st  
Conversing with another individual about some money old to me  
from that individual We spoke about ten minutes, then he  
left me and turned right in the downtown direction, and I  
proceeded in to the Port Authority where I was stoped by officer  
Jonathan Codeno, who detain me then took me to 41st 8 Ave where  
he arrest me, without Warrant and/or probable cause for a crime  
I never committed, Sale of a controll substance and possession of  
a controll substance. The Plaintiff is being unlawfully detain at  
Rikers Island, for a crime I never committed. The defendants have  
an extensive history of making these unlawful Narcotics Arrest  
without probable cause in violative of Plaintiff's Fourth, Eighth, and  
Fourteenth, Amendment Rights. The Plaintiff is in title to Due process  
of Law. A right that's enshrined in the Citizens Rule Book, which  
become violative of his rights when the administrative officers of  
the law try to seek a conviction that they know is Unconstitutional  
which bring about Deliberate Indifference Cruel and Unusual Pun-  
ishment. These violation are unconstitutional, involves interest that  
raises to a depraved indifference, carried out with out liberty, Justice.  
These unlawful arrest are made in a predatory nature based on

acts that have nothing in common with the penal law, and Code. Plaintiff via court appearances contested and set forth the truth of the matter that rest upon deaf ears of defendant ADA Manhattan Supreme Court Part 21 and Judge, who continue to maliciously prosecute Plaintiff, and prolong his liberty interest. The eleventh amendment only safeguards defendants that act within the scope of their duties, not outside the lines of the majority of the Constitution. Plaintiff prosecution will be wreckless, arbitrary and capricious, and that shield of absolute immunity does apply in this form

#### INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

As result of this unlawful arrest and imprisonment Plaintiff severely suffers from insomnia, nightmares, cold sweats, paranoia, of being killed in jail, from this unlawful act. Plaintiff continues to undergo episodes of experiencing headaches, auditory hallucinations, want and need for family, friends. To rebuild emotional strengthen with my self, I'm emotionally distorted, mentally, anguish, shame and humiliation

#### VI. RELIEF

State briefly what money damages or other relief you want the court to order.

Plaintiff seeks Pain and Suffering Damages from each Defendant in their individual and official capacity in the amount of two million dollars. Plaintiff also seeks Emotional Stress and mental Anguish Damages from each Defendant in their individual capacity in the amount of two million dollars. And finally Plaintiff seeks Punitive Damages in the same capacity in the amount of Three million dollars for a subtotal of 55 million dollars. Plaintiff also seeks an Injunction Relief so that no Reprisal and or False Arrests are made in the future by the Defendants Midtown South Narcotics Division, and or Judge, Special Narcotics A.D.A, District Attorney, Correctional Facility And or Release for being unconstitutionally charged, From the Exact Result of the Filing of this Complaint. Page 5



The Constitution, Supreme law of the land, shall be bound by Oath or Affirmation, to support this Constitution. People rights against illegal Search and Seizures shall not be violated, the constitution was created for the rights of all citizens. No person shall be held to answer for a Capital or otherwise infamous crime, but upon probable cause in court by Oath or Affirmation for a presentment and or indictment of a grand jury. No person shall be twice put in jeopardy for the same offense. In all criminal prosecutions the accused have right to a speedy trial, in the district court where the crime was committed upon probable cause in that court Plaintiff was unlawfully arrested and arraigned in court unconstitutionally in violation of my rights I was charged in a felony Complaint of Criminal Sale of a Controlled Substance and possession of a Controlled Substance unlawfully charged in violation of my fourth Amendment by Officers Ricardo Mantilla, and Jonathan Cedeno, A criminal offense by statute N.Y. Penal Law, constitutes an unauthorized act whenever such offense arises from and relates to the function of the perpetrator's public office, and particularly so whenever such offense occurs while the public servant is on duty or for that matter whenever such offense occurs either directly or indirectly in the course of the public servant's work employment or duty. A.D.A Erik J Aho, A prosecutor is specifically forbidden to institute cause to be instituted or maintain a criminal charge when he/she knows or it is obvious that the charge is not supported by probable cause (██████████) If he or she comes to know that a pending charge is not supported by probable cause he or she must not appropriately to dismiss or reduce the charge.



or advise a supervisor with the authority to do so regardless of who  
 cause the charge to be instituted (██████) the breadth of the term  
 maintain and the objective component of ██████ (or should have known) high-  
 light the importance of the initial screening process for charges or  
 indictment in place District Attorney's Office as well as the ongoing review  
 of charges by prosecutors familiar with and exercising substantial con-  
 trol over each case. Moreover even with probable cause you must not pre-  
 sent participate in present or threaten to present criminal charges solely  
 to obtain an advantage in a civil matter ██████████ Fourteenth  
 Article; guarantee equal protection of the laws No state shall make or  
 enforce any law which shall abridge the privileges or immunities of  
 citizens nor shall any state deprive any person of life, liberty or prop-  
 erty without due process of law. The Plaintiff is being detained unlaw-  
 fully. A malicious act is one that "begun" in malice without probable cause.  
 If there is no probable cause in court there is no action unlawful arrest  
 is unconstitutional False Arrest, False Imprisonment, Kidnapping, unlawful  
 carrying away of a person against his or her will. Administration of  
 Justice A court cannot compel one to answer for that offense in a cri-  
 minal proceeding except upon probable cause based on an oath or affir-  
 mation Article 4 All executive and Judicial Officers both of the United  
 States and of several states, shall be bound by oath or affirmation  
 to support this Constitution. The general rule is that an unconstitutional  
 statute, though having the form and name of law, is in reality no law, but is wholly  
 void, and ineffective for any purpose: "No one is bound to obey an unconsti-  
 tutional law and no courts are bound to enforce it"

Individual charged with a misdemeanor or minor offense and held in a correctional facility have a constitutional right to be free from warrant less strip searches. I been strip searched numerous times 3/24/16 3/19/16 3/15/16 3/8/16 4/15/16 4/12/16 5/4/16 5/22/16 5/11/16 6/14/16 just to point a few this was with no regards for my rights. and or police officers are suppose to seized or search upon probable cause oath or affirmation Nowhere does it say strip the person or spread your butt cheeks upon probable cause. These acts was done in violation of my person and rights malicious, malfeasance, which are cruel and unusual Deliberate indifference. Justice allow these cruel acts to be done without regard for that oath he sworn or the rights of the accused, total disregard of his duty as a Judge. He neglect the exclusionary rule a Constitutional rule of law. One who aids and abets another in the commission of a crime is a principal. A person concerned in the commission of a crime, whether he ~~direct~~ directly commits the act constituting the offense or aids and abets in its commission, and whether present or absent, and a person who directly or indirectly counsels, commands, induces or procures another to commit a crime is a principal. A public servant is guilty of official misconduct when, with intent to obtain a benefit or deprive another person of a benefit, he knowingly refrains from performing a duty which is imposed ~~him~~ upon him by law or is clearly inherent in the nature of his office. I'm being held and or kidnaped, in violation of The Bill of Rights, The conventions of a number of the States having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers; My Constitutional rights have been violated Article 4, 5, 6, 8, 9, 14,



**VII. PLAINTIFF'S CERTIFICATION AND WARNINGS**

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

<u>7/13/16</u>		<u>Eric Keaton</u>
Dated		Plaintiff's Signature
<u>Eric</u>		<u>Keaton</u>
First Name	Middle Initial	Last Name
<u>G.R.V.C.</u>		
Prison Address		
<u>0909 Hazen St East Elmhurst N.Y. 11370</u>		
County, City	State	Zip Code

Date on which I am delivering this complaint to prison authorities for mailing: \_\_\_\_\_